

Docket Information  
2024738-7034362001

**DECLARATION  
Utility Application**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **AUTOMATED CYTOLOGICAL SAMPLE CLASSIFICATION** the specification of which

(Check One)  is attached hereto OR  
 was filed on September 30, 2003 as United States Application Serial No. or PCT International Application No. 10/676,568 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Date of Filing	Priority Claimed	
			Yes	No

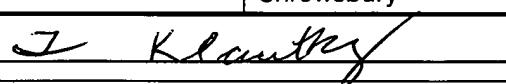
I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date	Status-Patented, Pending or Abandoned

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	FIRST Name Trudee	MIDDLE Initial	LAST Name Klautky	
	RESIDENCE & CITIZENSHIP	City Shrewsbury	State or Foreign Country MA	Country of Citizenship US	
	POST OFFICE ADDRESS	5 Oriole Circle	City Shrewsbury	State or Country MA	Zip Code 01545
INVENTOR'S SIGNATURE 		DATE <u>10203</u>			

202	FULL NAME OF INVENTOR	FIRST Name Daniel	MIDDLE Initial	LAST Name Lapen	
	RESIDENCE & CITIZENSHIP	City Lancaster	State or Foreign Country MA	Country of Citizenship US	
	POST OFFICE ADDRESS	95 Packard Street	City Lancaster	State or Country MA	Zip Code 01523
INVENTOR'S SIGNATURE _____		DATE _____			

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	FIRST Name Trudee	MIDDLE Initial	LAST Name Klautky	
	RESIDENCE & CITIZENSHIP	City Shrewsbury	State or Foreign Country MA	Country of Citizenship US	
	POST OFFICE ADDRESS	5 Oriole Circle	City Shrewsbury	State or Country MA	Zip Code 01545
INVENTOR'S SIGNATURE _____			DATE _____		

202	FULL NAME OF INVENTOR	FIRST Name Daniel	MIDDLE Initial	LAST Name Lapen	
	RESIDENCE & CITIZENSHIP	City Lancaster	State or Foreign Country MA	Country of Citizenship US	
	POST OFFICE ADDRESS	95 Packard Street	City Lancaster	State or Country MA	Zip Code 01523
INVENTOR'S SIGNATURE <u>Daniel Lapen</u>			DATE <u>9/30/05</u>		



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

**Trudee Klautky, et al**

**Serial No.: 10/676,568**

**Filed:** September 30, 2003

**For:** AUTOMATED CYTOLOGICAL  
SAMPLE CLASSIFICATION

**Group Art Unit:** Not-Yet-Assigned

**Examiner:** Not-Yet-Assigned

**PROSECUTION BY ASSIGNEE AND POWER OF ATTORNEY  
UNDER 37 C.F.R. § 3.71**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**Cytyc Corporation**, a Massachusetts Corporation, the assignee of the entire right, title and interest in this patent application, under 37 C.F.R. § 3.71 hereby appoints all attorneys associated with:

**Customer Number 23639**

with full powers of substitution and revocation, to prosecute this application and transact all matters in the United States Patent and Trademark Office, and in countries other than the United States, and to do all things necessary or appropriate therefore before any competent International Authorities in connection with any international patent application(s) corresponding to the above-identified application, said appointment to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71.

**Correspondence Address**

Please change the correspondence address and direct all written communications relative to this application to:

**David T. Burse**  
Bingham McCutchen LLP  
Three Embarcadero Center, Suite 1800  
San Francisco, CA 94111-4067

Please direct all telephone communications to David T. Burse at (650) 849-4400

I, the undersigned, declare that I have reviewed copies of the documentary evidence establishing chain of title to the patent application identified above from the inventor(s) to the assignee(s), which:

- is filed for recordation herewith; or
- was recorded at Reel \_\_\_\_\_, Frame \_\_\_\_\_; or
- has been sent for recordation under separate cover, copy attached herewith.

To the best of the undersigned's knowledge and belief, title is in the assignee(s) identified above. Furthermore, the undersigned is empowered to sign this document on behalf of the assignee(s).

**Cytyc Corporation**

Dated: 11/19/03

By: Mark Casey  
Name: Mark Casey  
Title: Assistant General Counsel and  
Chief Patent Counsel  
Address: 85 Swanson Road,  
Boxborough, MA 01719

ASSIGNMENT OF PATENT APPLICATION

WHEREAS, We, Trudee Klautky and Daniel Lapen, citizens of United States of America(hereinafter referred to as "ASSIGNORS"), have invented and own a certain invention entitled **AUTOMATED CYTOLOGICAL SAMPLE CLASSIFICATION** for which application for Letters Patent of the United States of America has been filed on September 30, 2003, under application serial No. **10/676,568**; and

WHEREAS, **Cytec Corporation**, a corporation organized and existing under and by virtue of the laws of the state of Massachusetts and having its principal place of business at 85 Swanson Road, Boxborough, Massachusetts 01719 (hereinafter referred to as "ASSIGNEE"), is desirous of acquiring the exclusive right, title and interest in, to and under said invention and in, to and under any Patent or similar legal protection to be obtained therefor in the United States of America, its territorial possessions and in any and all countries foreign thereto.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign, transfer and set over unto the said ASSIGNEE, its successors and assigns, the full and exclusive right, title and interest to said invention and to all Letters Patent or application or similar legal protection, not only in the United States and its territorial possessions, but in all countries foreign thereto to be obtained for said invention by said application, and to any continuation, division, renewal, substitute or reissue thereof or any legal equivalent thereof in the United States or a foreign country for the full term or terms for which the same may be granted, including all priority rights under the International Convention; and

ASSIGNORS hereby authorize and request the United States Commissioner of Patents and Trademarks, and any officials of foreign countries whose duty it is to issue patents or any legal equivalent thereof, to issue said patents to ASSIGNEE, its successors and assigns, in accordance with this Assignment.

ASSIGNORS hereby covenant that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this Agreement;

ASSIGNORS further covenant that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNORS and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents in the United States or in any foreign country, which may be necessary or desirable to carry out the purposes thereof.

11-2-03  
Date

J. Klautky  
Trudee Klautky

Nov 15, 2003  
Date

Daniel Lapan  
Daniel Lapan

JAN 28 2004



Docket No. 24738-7034362001

RECORDATION FORM COVER SHEET  
PATENTS ONLYU.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): Trudee Klautky and Daniel Lapan Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		2. Name and address of receiving party: Name: Cytac Corporation Internal Address: 85 Swanson Road
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____		City: Boxborough State: MA Zip: 01719 Street Address: 85 Swanson Road
Execution Date: 11/2/03 and 11/15/03		City: Boxborough State: MA Zip: 01719 Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: _____		A. Patent Application No(s).: 10/676,568 B. Patent No(s).: _____ Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
5. Name and address of party to whom correspondence concerning document should be mailed: Name: David T. Burse Internal Address: BINGHAM McCUTCHEN LLP Three Embarcadero, Ste 800 San Francisco, CA 94111-4067		6. Total number of applications and patents involved: _____ 7. Total fee (37 CFR 3.41): \$ 40.00 <input type="checkbox"/> Paid with authorization to charge fee in new application transmittal <input checked="" type="checkbox"/> Charge Assignment fee \$40.00 to the below-identified Deposit Account 8. Deposit Account Number: 50-2518 Bingham McCutchen

## DO NOT USE THIS SPACE

9. Statement and signature:

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document:

David T. Burse, Reg No. 37,104

Date: Jan 5, 2004

Total number of pages including cover sheet: 3

OMB No. 0651-0011 (exp. 4/94)

## Do not detach this portion

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks

Box Assignments

Alexandria, VA 22313-1450

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information Systems, PK2-1000C, Alexandria, VA 22313-1450, and to the Office of Management and Budget, Paperwork Reduction Project, (0651-0011).



Patent  
Docket No. 2024738- 7034362001  
(11.030011)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: ) Group Art Unit: 1743  
Trudee Klautky, et al )  
Serial No.: 10/676,568 ) Confirmation No.: 7905  
Filed: September 30, 2003 )  
For: AUTOMATED CYTOLOGICAL ) Examiner: Not-Yet-Assigned  
SAMPLE CLASSIFICATION )  
)

ASSIGNMENT TRANSMITTAL

Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an executed Assignment (2 pages) and Recordation Cover Sheet Form PTO-1595 (1 page) for the above-identified application.

Assignment recordation is respectfully requested. Please forward the assignment reel/frame number via fax to the undersigned at the fax No. (650) 849-4800.

Respectfully submitted,

BINGHAM McCUTCHEN LLP

Dated: 5 Jun 2004

By: DTB  
David T. Burse  
Reg. No. 37,104

BINGHAM McCUTCHEN LLP  
Three Embarcadero, Suite 1800  
San Francisco, CA 94111-4067  
(650) 849-4400

CERTIFICATE OF FACSIMILE TRANSMISSION  
(37 C.F.R. §1.6 (d))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted via fax on the date shown below to U.S. Patent and Trademark's fax number (703) 306.5995 addressed to the Commissioner for Patents, Alexandria, VA 22313-1450

January 5, 2004

Date of facsimile transmission  
PA:52125083.1/2024738-7034362001

Maritza Kidd

Name of Person transmitting Paper

Maritza Kidd

Signature of Person transmitting Paper



\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

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BINGHAM McCUTCHEN

## Facsimile

DATE January 5, 2004

Bingham McCutchen LLP  
1900 University Avenue  
East Palo Alto, CA  
94303-2223

650.849.4400  
650.849.4800 fax

bingham.com

Boston  
Hartford  
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Washington

	NAME	FAX	PHONE
TO	ASSIGNMENT UNIT US Patent and Trademark Office	(703) 306-5995	(703) 308-9723
FROM	Maritza D. Kidd maritza.kidd@bingham.com	(650) 849-4800	(650) 849-4481
PAGES	(INCLUDING THIS COVER PAGE): 5		
RE	Assignment for US Appl S/N: 10/676,568		

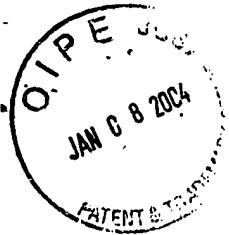
**Message:**

Re: US Application Serial No. 10/676,568  
Filed: September 30, 2003

I hereby certify that an Assignment (2 pages); Recordation Cover Sheet Form PTO-1595 (1 page) and an assignment transmittal with certificate of facsimile transmission (1 page) are being facsimile transmitted to the United States Patent and Trademark Office on the date shown above.

Assignment recordation is respectfully requested. Please forward the assignment reel/frame number via fax to the undersigned at the fax No. (650) 849-4800.

Maritza Kidd



# BINGHAM McCUTCHEON

## **Facsimile**

DATE January 5, 2004

Bingham McCutchen LLP  
1900 University Avenue  
East Palo Alto, CA  
94303-2222

650.849.4400

[bingham.com](http://bingham.com)

	NAME	FAX	PHONE
TO	ASSIGNMENT UNIT US Patent and Trademark Office	(703) 306-5995	(703) 308-9723
FROM	Maritza D. Kidd maritza.kidd@bingham.com	(650) 849-4800	(650) 849-4481
PAGES	(INCLUDING THIS COVER PAGE):	5	
RE	Assignment for US Appl S/N: 10/676,568		

#### **Message:**

Re: US Application Serial No. 10/676,568  
Filed: September 30, 2003

New York  
Orange County  
San Francisco  
Silicon Valley  
Tokyo  
Walnut Creek  
Washington

I hereby certify that an Assignment (2 pages); Recordation Cover Sheet Form PTO-1595 (1 page) and an assignment transmittal with certificate of facsimile transmission (1 page) are being facsimile transmitted to the United States Patent and Trademark Office on the date shown above.

Assignment recordation is respectfully requested. Please forward the assignment reel/frame number via fax to the undersigned at the fax No. (650) 849-4800.

Maritza Kidd

**For transmission problems, please call (650) 849-4825**

The information in this transmittal (including attachments, if any) is privileged and confidential and is intended only for the recipient(s) listed above. If you are neither the intended recipient(s) nor a person responsible for the delivery of this transmittal to the intended recipient(s), you are hereby notified that any unauthorized reading, distribution, copying or disclosure of this transmittal is prohibited. If you have received this transmittal in error, please notify us immediately at (same telephone number as in first paragraph - will duplicate) and return the transmittal to the sender. Thank you.

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Client/Matter Name:				
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